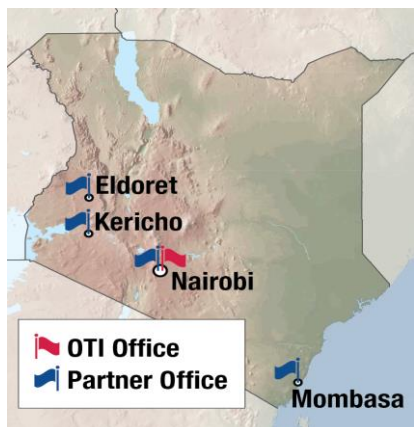




## Office of Transition Initiatives

# KENYA



### OTI MISSION STATEMENT

*To support U.S. foreign policy objectives by helping local partners advance peace and democracy in priority countries in crisis. Seizing critical windows of opportunity, OTI works on the ground to provide fast, flexible, short-term assistance targeted at key political transition and stabilization needs.*

#### FAST FACTS

Start Date: January 2011  
Budget: \$28.7M  
TI: \$12.1M  
ESF: \$4.9M  
1207: \$325K  
DRG: \$500K  
PREACT: \$820K  
PER: \$250K  
CCF-Coast: \$3.9M  
XEN: \$2.9M  
ES- Coast: \$1.5M  
Youth Fund: \$1.4M

### PROGRAM DESCRIPTION

The Kenya Transition Initiative (KTI) program, implemented through USAID's Office of Transition Initiatives (OTI), is part of the U.S. Government's broad-based policy goals to contribute to a stable Kenyan polity that mobilizes citizen participation around a national identity and political party platforms rather than ethnic identities. The program was launched in June 2008, four months after Kenya's competing political parties adopted a national peace accord<sup>1</sup> and power-sharing agreement to stem devastating inter-ethnic violence that followed contested December 2007 national elections. Since then, KTI's engagement in Kenya has supported both national and local-level stabilization and transition efforts targeted at recovery by mitigating political and social volatility and reducing vulnerability to violence. In pursuit of this goal, the program assists Kenyan state and non-state actors to more fully exercise their capacities and, thereby, support the following broad objectives:

- Enable public institutions to undertake fundamental reforms and to manage instability and uncertainty.
- Mobilize the public, especially the youth and key change agents, to demand accountability and reform.

KTI was implemented by Development Alternatives, Inc. (DAI) under a task order that closed in May 2011. Chemonics International Inc. has implemented KTI under a separate task order since January 2011, and will continue through January 2015, contingent on available funding. This report covers the period between January 1, 2013 and March 31, 2013.

### PROGRAM AREAS

**Conflict Mitigation:** Since the introduction of multi-party politics in Kenya, general elections have been synonymous with ethnic clashes. In the lead up to the general election of 2007, expectations were high over who would be the winner. As poll results began to trickle in, violent demonstrations began around the country in protest of the announced results. These demonstrations resulted in more than 1,500 deaths and 600,000 displaced individuals. This was by far the worst case of electoral violence that Kenya had ever experienced. In order to avoid a repeat of the devastating 2007/2008 Post-Election Violence (PEV), KTI engaged in a series of efforts to avert electoral-based conflict and ethnic clashes and to help maintain peace and stability during and after the March elections.

<sup>1</sup> The National Accord and Reconciliation Bill 2008 was an act of the National Assembly of Kenya to facilitate the power-sharing agreement between Former President Mwai Kibaki and Former Prime Minister Raila Odinga and was necessitated by the 2007/2008 political crisis.

**Roadshows:** In the months leading up to the March 2013 elections, KTI supported multiple roadshows in potential hotspots around the country. This included the South Rift and Nyanza regions, where roadshows provided a platform for disseminating key information on the various post-election scenarios. Through theatrical performances and dialogues addressing election-related concerns, roadshows helped disseminate important information to more than 8,000 citizens at the grassroots level, many of whom were previously unaware of the election schedule. In the coastal region, KTI supported [REDACTED] to hold peace caravans in three counties to help build the capacity of women leaders at the grassroots level to be peace brokers. These peace caravans carried out rapid response voter education to more than 10,000 individuals, with a focus on areas where citizens did not have access to information on the electoral process or lacked an understanding of the electoral reforms put into place by the 2010 constitution. The peace caravan format allowed youths to engage stakeholders in the community and push them to work together at preventing electoral violence. In Nairobi, through the request of USAID's Education and Youth Office, KTI helped support the [REDACTED] to host a peace concert in Nairobi two weeks before the election. The concert and subsequent roadshows used entertainment as a vehicle to engage and inform Kenyan youth and encourage them to advocate for non-violence.

**Working with Unique Groups:** During the 2007/2008 PEV period, the town of Naivasha, which produces the largest flower output in the country, suffered widespread violence and displacement as farm workers of different ethnic backgrounds turned on each other and fractioned into ethnic alliances. To mitigate the re-occurrence of violence in the area, KTI partnered with the [REDACTED] to address the ethnic tensions and polarization amongst the workers. Through the support of KTI, [REDACTED] held football tournaments that drew players from different ethnic backgrounds, encouraging cohesion amongst the various tribes that comprised the communities around Naivasha. Along with public sensitization forums, these tournaments helped promote peaceful co-existence among the multi-ethnic communities working on the farms. On the Coast, KTI provided informational support to 1,300 Persons with Disabilities (PWD) that focused on the provisions of the constitution in regards to governance, leadership, and the electoral process. Through the information provided, PWDs helped disseminate accurate information on the electoral procedures and helped steer conversations away from topics that could incite violence.

**Working with Government Institutions:** By supporting the Provincial Administration through the Provincial Peace Forum (PPF), KTI helped strengthen the localized early warning and response systems in five counties in the Rift Valley region. By building the capacity of 240 data monitors, KTI ensured that an effective and timely conflict response was created. The effectiveness of the system helped the Provincial Administration monitor hate speech and respond accordingly, mitigating the likelihood of electoral related violence from breaking out.

**Media:** In the aftermath of the 2007/2008 PEV, various Kenyan media outlets were scrutinized for their purported role in promoting and escalating violence. This included accusations that media houses were being subjective in their reporting and were inflaming ethnic animosity instead of promoting peace. In order to prevent this from re-occurring during March 2013 elections, KTI worked with various media outlets to disseminate messages of peace and pass along information related to the electoral process.

**Use of Radio:** In Kenya, radio is the preferred medium of news and entertainment for more than 80% of the population. To take full advantage of its wide listenership, KTI utilized radio across the country to promote peace and counter misinformation during the election period. Recognizing that primary elections represented an opportunity to remind the electorate of their individual role in ensuring peaceful elections, KTI supported a series of radio spots on the Coast that ran on seven radio stations over the course of 10 days. These radio spots called for peace, asked the public to refrain from hate speech, and established a KTI-Coast media campaign called *Uwezo Unao* (You Have the Ability). In the aftermath of the March 4<sup>th</sup> general election, when presidential results trickled in at much slower pace than anticipated, KTI utilized its rapid response Strategic Activity Pool (SAP) to run peace messages from the presidential aspirants over the radio in potential flashpoints in the Rift Valley, Nyanza, and Coastal regions, as well as in the informal settlements of Nairobi. After the announcement of Uhuru Kenyatta as the winner of the presidential race, KTI again used its SAP to air radio messages from Kenyatta's main contender, Raila Odinga, calling for peace and calm in areas where Odinga had strong support. These radio messages helped alleviate tensions and counter misinformation at the grassroots level.

**Alternative Media:** Through KTI support, a baseline survey (CHXMSA006) was carried out in three counties (Kilifi, Kwale and Mombasa) which identified limiting factors to voter participation on the Coast and analyzed the level of misconception of the constitutional reforms and devolution at the grassroots level. In addition, KTI developed

targeted peace messages that were disseminated on five radio stations in the coastal region over the course of a month, reaching more than two million listeners. KTI messages were also disseminated in print media the week before the elections, and, for a three day period, were also placed in prominent sections of the three most popular newspapers on the Coast; *The Daily Nation*, *The Standard*, and *Coast Weekly*. Concurrently, messages were placed on social media and billboards in highly populated areas. The KTI messaging campaign educated the public on their fundamental rights under the constitution, shared opportunities made available through devolution, and encouraged peaceful participation in the March 4<sup>th</sup> elections. A noteworthy success of the three month campaign was the significant increase in the number of voters in Kwale County compared to previous elections.

## COUNTRY SITUATION

**Political Party Primaries:** In early 2013, political party primaries were held to select candidates who would be fielded in the March 4<sup>th</sup> general elections. Upon announcement of the winners, violent demonstrations broke out in Nyanza, Nairobi, and parts of central Kenya as supporters of candidates protested the results. In some scenarios, protested results led to the revocation of nomination papers for some of the declared winners, while in other scenarios where parties faced stalemates, the two most popular candidates were disqualified and nominations were given to the third place finisher.

**March 4<sup>th</sup> General Election:** On March 4<sup>th</sup> 2013, Kenya held its first elections under the new constitution that was passed during the 2010 referendum. During these elections, Kenyans not only selected their preferred presidential candidate but also county governors, senators, county wards representatives, women county representatives, and members of parliament. The election was the first of its kind to be run by the Independent Electoral and Boundaries Commission (IEBC), and voter turnout was impressive with more than 85 percent of registered voters showing up to vote.

**Results Transmission Process:** In the lead up to the general election, IEBC Chairperson Isaack Hassan informed the electorate that the electronic results transmission system in place would lead to results being announced within 24 to 48 hours. When the 48 hour window had elapsed, Chairperson Hassan informed the voters that the electronic version of transmission had failed due to a software bug that caused the system to multiply rejected votes. This failure forced the IEBC to turn to a manual system of tallying votes, delaying the announcement of a winner and increasing tensions in hotspots around the country.

**Announcement of Results and Petition:** On March 9<sup>th</sup>, 2013, after five days of manual vote tallying, Uhuru Kenyatta was declared the winner of the presidential race, surpassing the constitutionally required 50 percent vote threshold by a mere 8,419 votes. Kenyatta's closest competitor, Prime Minister Raila Odinga, rejected the results and filed a petition at the Supreme Court seeking to overturn the entire electoral process. Odinga cited irregularities in voter registration, transparency, and results verification, and sought the invalidation of Kenyatta's win. Odinga was joined by the Africa Center for Open Governance (AFRICOG), which argued that the failure of the IEBC to use the electronic transmission of results compounded the credibility of the transmission process and contravened the constitution by using a manual system to tally the votes while ignoring the fact that voter turnout in many constituencies was recorded as being higher than those registered. On March 30<sup>th</sup>, 2013, the Supreme Court upheld the election of Kenyatta as Kenya's fourth president. In a unanimous judgment, the six judges stated that the IEBC had conducted the elections in a free, fair, and credible manner in accordance with the constitution and relevant laws, dismissing Odinga's and AFRICOG's calls for fresh elections. Odinga accepted the Supreme Court's ruling with the caveat that "Kenyan's lost their right to know what indeed happened." In response to the court ruling, relative calm and peace was experienced in the country with mild demonstrations in Odinga strongholds.

**Kenya's First Presidential Debates:** Through the support of KTI, the International Center for Jurist-Kenya (ICJ-Kenya) engaged with members of civil society and the media to help plan Kenya's first presidential debate. After months of coordination with various stakeholders, the mainstream media bought into the idea, and on February 11<sup>th</sup> 2013, Kenya wrote a new chapter its electoral history when the debate, featuring eight presidential candidates, hit the airwaves. The historic debate was aired live on eight television stations and 34 radio stations and allowed candidates to expound upon their policy proposals in an attempt to win the support of the populace. A total of two debates were held over a two week period, with millions of Kenyans tuning in to watch their preferred candidates.

**National Land Commission:** The Kenya National Land Commission (NLC) was established by the 2010 constitution to manage public land on behalf of the national and county governments. In 2012, nine individuals were nominated to serve in the NLC, however a petition challenging their nomination was filed in court prevented them from taking office. In February 2013, the high court ordered the president to gazette the names of the commissioners and on the 20<sup>th</sup> of February, 2013 the NLC was gazetted. Delays in the swearing in of the

commissioners led to concerns regarding whether land reform in Kenya would ever be actualized. In support of the reforms and to provide a smooth inception for the NLC, KTI helped provide office space, equipment, and technical assistance allowing the NLC and its staff to quickly start on their mandated responsibilities.

**ICC trials:** The International Criminal Court (ICC) prosecution team withdrew charges against former Head of Civil Service Francis Muthaura, citing that the case against him lacked incriminating evidence. Head of Prosecution Fatou Bensouda informed the presiding Judge that the prosecution team lacked evidence against Muthaura, primarily because several key witnesses refused to testify for the prosecution, but also because the Kenyan Government refused to release key documents that were instrumental to the prosecution's case.

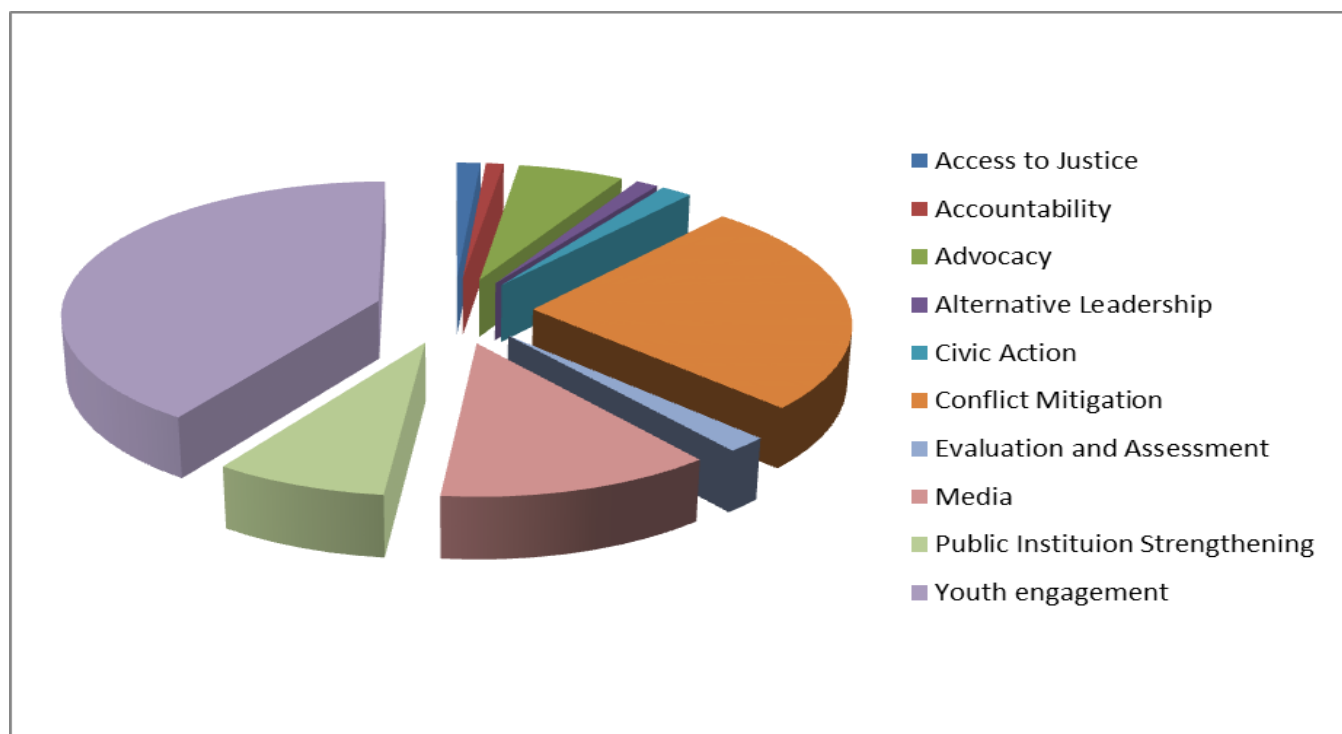
**Insecurity:** During this quarter, the internal security situation has improved with few tribal skirmishes on the Tana River delta. The number of Improvised Explosive Devices (IEDs) attacks has also decreased with only one incident reported during the quarter with no fatalities.

### UPCOMING EVENTS

- April 9th 2013 - Uhuru Kenyatta to be sworn in as Kenya's fourth president
- May 2013 - Devolution training by Kenya School of Government for KTI grantees and staff
- May 2013 - Kericho Office close out to begin
- May 2013 - Supreme Court to provide documents on reasons for petition ruling

### GRANTS SUMMARY

Through March 31, 2013, OTI through its implementing partner Chemonics, has funded a total of **359** activities (including cleared, completed and closed grants, short-term technical assistance (STTA) and direct distribution of goods and services activities (DDGS)) totaling **\$12,483,215**. During this reporting period, a total of **\$3,499,056** was disbursed. The breakdown by sector is as follows:



**Figure 1: The figure above shows the amount spent on grant activities in the Quarter Jan 1st 2013 - March 31st 2013**

## ACTIVITIES

**Positioning Women for Leadership in Elgeyo Marakwet:** Kenya's 2010 Constitution provides for increased women's representation at the county and national levels. In Elgeyo Marakwet in the Rift Valley region, cultural practices have resulted in a long-standing male dominance in politics, making it difficult for women in the region to take on leadership positions. To counter this, KTI supported the [REDACTED] to help prepare women of Elgeyo Marakwet to actively participate in the March general election, building their capacity as leaders while providing them with platforms to make their voices heard. Women leaders were trained on their potential roles in political parties, engagement in democratic processes, and reaching out to community members. As a result of the training, the visibility of the women leaders increased. Further engagement of the women in radio programs on vernacular stations ensured that they were able to pass on their vision to the electorates in their constituencies. The provision of this training contributed to the election of four women to the national and county governments in Elgeyo Marakwet and Uasin Gishu.

**Enhancing Judicial Reform at the County Level:** Kenya's judiciary has undergone transformative changes and has demonstrated increased autonomy from the executive, resulting in increased efficiency in the dispensation of justice. With judicial reforms in place, the Chief Justice has approved a Judicial Transformation Framework (JTF) to be employed around the country, which promotes and envisions an accessible and responsive judiciary. In support of the judicial reforms, KTI partnered with the Chief Magistrates Court in Kericho to help improve its service delivery through a multi-pronged approach. To curb the tendencies for files to get lost in the judiciary, KTI has helped automate the filing system at the courts as well as provide containers for storage of archived and current files to ensure that file retrieval is made easy for the registry clerks, saving them time and expediting judicial processes for court users. With the improvement of service delivery at the Courts in Kericho, confidence in the judiciary is expected to increase, which will insure that systems are in place for individuals at the grassroots level to solve disputes through the courts.

**Photo Exhibition in Mombasa:** In the lead up to the 2013 general election, tensions over potential ethnic cleansing and secessionist calls on the Coast were high. To raise the awareness regarding the risks of violence, KTI supported [REDACTED] to hold a series of "street exhibitions" that displayed 80 photos depicting images captured during the PEV of 2007/2008. The street exhibitions were placed in high density areas that were perceived to be hotspots, including Likoni, Changamwe, Kisauni, Ukunda, and marginalized areas in Malindi. With an expected reach of over 50,000 people, the exhibitions served to remind the coastal people of the consequences of ethnic or politically-instigated violence.

## PROGRAM EVALUATION

In anticipation of the 2013 general elections, KTI held two rolling assessments - one for the Coast office and another for the Eldoret, Kericho, and Nairobi offices. The rolling assessment for the Coast office helped KTI gauge efforts to-date and determine programmatic strategy in the lead-up to the elections. The assessment also helped the Coast program team to decide what strategies to employ to counter the Tana River delta skirmishes. The discussion resulted in time, cost, and scope amendments for a number of grants in order to be better geared towards the elections. In regards to the Tana situation, it was agreed that a taskforce would be set-up to look into the feasibility of KTI carrying out programming in the area. This was later disbanded as the program determined it could not effectively address the issues in Tana River County at the time due to lack of viable partners. In the Eldoret, Kericho, and Nairobi rolling assessment, the program team visited the Provisional Administration in the Rift Valley to get a better understanding on what was expected in the region and to assess potential opportunities for further partnerships. A Provincial Administration officer noted that the early warning and response activity, supported by KTI's Nairobi office, was central in ensuring that hate speech is monitored at the grassroots level. In addition, the program team discussed a variety of political scenarios and how best KTI would respond, resulting in the decision to use a SAF to ensure that there was a rapid response mechanism in place. After the March 4<sup>th</sup> election, an additional staff-wide rolling assessment took place in Mombasa to allow the program team to discuss how best to refocus project activities after the election. Discussions on devolution began and, as a result, the program team and selected partners will receive training by the Kenya School of Government focused on the basics of devolution, looking into the theory and practice of devolution, civic participation in devolution, and public financial management.

During this reporting period, KTI welcomed a new Chief of Party (COP) to the program. The former COP transitioned to another OTI program in the same capacity in the Middle East.

The KTI team improved efficiency in clearing grants and meeting targets with more than \$3,000,000 in new activities this quarter.

KTI also hosted a visit from Staffdel Simpkins, a congressional staffer, along with his team. The delegation had a meeting with the Mombasa program team to discuss KTI's efforts on the Coast. In addition to these discussions, the team visited select grant activities, including meetings with magistrates under CHXMSA004 to discuss the readiness of the judiciary to handle electoral disputes that could occur after the general election. While visiting a photo exhibition under CHXMSA071, the team had the opportunity to engage with youth regarding the availability of psychosocial counseling available in the area. To cap their visit on the Coast, the team went to a Kwacha Afrika (CHXMSA042) street performance to see how the grassroots theatre groups were ensuring peace is maintained through their skits and plays.

***CONTACT INFORMATION***

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